

Senate File 237 - Introduced

SENATE FILE 237

BY ZUMBACH

A BILL FOR

1 An Act relating to department of transportation employees

2 designated as peace officers.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.477, subsections 1, 3, and 4, Code
2 2021, are amended to read as follows:

3 1. The department may designate by resolution certain of its
4 employees upon each of whom there is conferred the authority
5 of a peace officer to enforce ~~all laws of the state including~~
6 ~~but not limited to~~ laws set forth in subsection 2, laws the
7 violation of which is a serious misdemeanor or greater offense,
8 laws department employees designated as peace officers are
9 otherwise authorized to enforce, and the rules and regulations
10 of the department. Employees designated as peace officers
11 pursuant to [this section](#) shall have the same powers conferred
12 by law on peace officers for the enforcement of ~~all~~ such laws
13 of this state and the apprehension of violators.

14 3. Employees designated as peace officers pursuant to
15 this section shall not exercise the ~~general powers of a peace~~
16 ~~officer~~ specified in subsection 1 within the limits of any
17 city, except as follows:

18 a. When so ordered by the direction of the governor.

19 b. When request is made by the mayor of any city, with the
20 approval of the director.

21 c. When request is made by the sheriff or county attorney of
22 any county, with the approval of the director.

23 d. While in the pursuit of law violators or in investigating
24 law violations which are a serious misdemeanor or greater
25 offense.

26 e. While making any inspection provided by [this chapter](#), or
27 any additional inspection ordered by the director.

28 f. When engaged in the investigation and enforcement of laws
29 relating to narcotic, counterfeit, stimulant, and depressant
30 drugs the violation of which is a serious misdemeanor or
31 greater offense.

32 4. The limitations specified in [subsection 3](#) shall ~~in no~~
33 ~~way not~~ be construed as a limitation on the power of employees
34 designated as peace officers pursuant to [this section](#) when a
35 public offense the violation of which is a serious misdemeanor

1 or greater offense is being committed in their presence.

2 Sec. 2. REPEAL. 2017 Iowa Acts, chapter 149, section 4, as
3 amended by 2018 Iowa Acts, chapter 1170, section 3, and 2019
4 Iowa Acts, chapter 7, section 1, is repealed.

EXPLANATION

6 The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8 In 2017, the general assembly amended Code section 321.477
9 to specify the powers, duties, and limitations of employees of
10 the department of transportation (DOT) who are designated as
11 peace officers by the DOT. Under the terms of the legislation,
12 the amended language was set to be repealed effective July 1,
13 2018. In 2018, the general assembly extended the future repeal
14 provision to July 1, 2019. In 2019, the general assembly
15 extended the future repeal provision to July 1, 2022. This
16 bill repeals the future repeal provision.

17 The bill limits the powers and duties of DOT employees
18 designated as peace officers to the enforcement of laws
19 relating to (1) the safe and lawful movement and operation
20 of commercial vehicles and vehicles transporting loads,
21 (2) the enforcement of motor vehicle laws relating to the
22 operating authority, registration, size, weight, and load of
23 motor vehicles and trailers, (3) the registration of a motor
24 carrier's interstate transportation service with the DOT, (4)
25 laws the violation of which is a serious misdemeanor or great
26 offense, (5) laws DOT employees designated as peace officers
27 are otherwise authorized to enforce (such as Code chapter
28 321J (operating while intoxicated)), and (6) the rules and
29 regulations of the DOT. The bill makes conforming changes to
30 Code section 321.477.